UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,433	12/04/2003	Jeffrey L. Edwards	YES-012	8369

7590 01/29/2008

David R. Graham
1337 Chewpon Avenue
Milpitas, CA 95035

EXAMINER	
ZHAO, DAQUAN	
ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
01/29/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/729,433	EDWARDS ET AL.	
	Examiner	Art Unit	
	Daquan Zhao	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 November 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-51* is/are pending in the application.

4a) Of the above claim(s) *27-51* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 December 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-26 in the reply filed on 11/23/2007 is acknowledged.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-4, 10, 17 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 22 of copending Application No. 10/448, 255 (#255), filed on 10/22/2007 in view of Crane et al (US 6,201,924 B1).

Regarding claim 1 of the instant application, claim 1, which depends on claim 22, of #255 teach a method comprising the steps of: evaluating data regarding the content of

the visual recording and/or data regarding the manner in which the visual recording was obtained (e.g. see claims 1 and 22 of #255).

selecting one or more clips of the visual recording to be included in a summary of the visual recording, based on the evaluation, wherein the selected clips of the visual recording comprise less than all of the visual recording, and wherein the step of selecting and/or the step of evaluating are performed, at least in part, automatically (e.g. see claim 1 and 22 of #255);

However, #255 fails to teach discarding parts of the visual recording not included in the visual recording summary so that the discarded parts of the visual recording are no longer stored on a data storage medium. Crane et al teach discarding parts of the visual recording not included in the visual recording summary so that the discarded parts of the visual recording are no longer stored on a data storage medium (e.g. e.g. column 10, lines 56-67, and column 11, lines 9-18, the synthesized clips which are not in used by the new edit list are deleted). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Crane et al into the teaching of #255 to improve the memory usage efficiency.

Regarding claim 10, Crane et al teach identifying a plurality of candidate clips in the visual recording; and evaluating each of the candidate clips regarding the content of the clip and/or the manner in which the clip was obtained (e.g. column 11, lines 9-17, file identifier).

Regarding claim 2, Crane et al teach storing the visual recording summary on a data storage medium (e.g. column 2, lines 31-36, column 3, lines 16-23, the beginning and end of each scene are stored in the disk from the tape by executing an edit list).

Regarding claim 3, Crane et al teach the data storage medium is a portable data storage medium (e.g. the system of Crane including the tape and disk can be transported from one location to another location).

Regarding claim 4, Crane et al teach specifying the duration of the visual recording summary (e.g. column11, lines 9-14, duration of clip).

Regarding claim 17, Crane et al teach the evaluation of each candidate clip is based on a front-loading criterion (e.g. column 2, lines 35-36, beginning of each scene).

4. Claims 11, 16, and 19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 22 of copending Application No. 10/448, 255 (#255), filed on 10/22/2007 and Crane et al (US 6,201,924 B1) as applied to claims 1-4, 10, 17 above and further in view of Dimitrova et al (US 2004/0,085,340 A1).

Regarding claim 11, crane et al and #255 fail to teach an image stability criterion. Dimitrova et al teach an image stability criterion (e.g. paragraph [0016). It would have been obvious to one ordinary skill in the art at the time the invention was made to have incorporate the teaching of Dimitrova et al into the teaching of #255 and Crane et al for increase the quality of the video for helping user to edit the source video (Dimitrova et al, paragraph [0005]).

For claim 16, Dimitrova et al teach a snapshot criterion (e.g. paragraph [0005]).

For claim 19, Dimitrova et al teach a camera hints criterion (e.g. paragraph [0016], dolly, h-tracking, and v-tracking).

5. Claims 13, 18, 20, 21 and 22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 22 of copending Application No. 10/448, 255 (#255), filed on 10/22/2007 and Crane et al (US 6,201,924 B1) as applied to claims 1-4, 10, 17 above and further in view of Cabasson et al (US 6,956,904 B2).

See the teaching of Crane et al and #244 above.

For claim 13, #255 and Crane et al fail to teach an edge sharpness criterion. Cabasson et al teach an edge sharpness criterion (e.g. column 2, lines 17-33, raising edge or falling edge). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Cabasson et al into the teaching of #255 and Crane et al to improve the accuracy of video summary (Cabasson et al, column 2, lines 32-33).

For claim 18, Cabasson et al teach the audio content criterion (e.g. column 2, lines 17-33, audio level).

For claim 21, Cabasson et al teach multiple criteria (e.g. column 2, lines 17-33, audio feature and motion activity).

For claims 20 and 22, Cabasson et al teach computing a score for each candidate clip based on the evaluation of the clip (e.g. column 4, line 64- column 5, line

14, base on the motion activity, the short can be two level, zero and one, which corresponds to the "Score").

6. Claim 7 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 22 of copending Application No. 10/448, 255 (#255), filed on 10/22/2007 and Crane et al (US 6,201,924 B1) as applied to claims 1-4, 10, 17 above and further in view of Hua et al (US 7,127,120 B2).

See the teaching of #255 and Crane et al above.

For claim 7, #255 and Crane et al fail to choosing a music selection or selections to accompany the visual recording summary, wherein the duration of the visual recording summary is established in accordance with the duration of the music selection or selections. Hua et al teach choosing a music selection or selections to accompany the visual recording summary, wherein the duration of the visual recording summary is established in accordance with the duration of the music selection or selections (e.g. column 3, lines 6-10 and column 15, lines 31-34). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Hua et al into the teaching of Crane et al to improve the quality of the video summary (Hua et al, column 2, lines 56-67).

7. Claims 12 and 14 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 22 of copending Application No. 10/448, 255 (#255), filed on 10/22/2007 and Crane et al (US 6,201,924 B1) as applied to claims 1-4, 10, 17 above and further in view of Nakamura et al (US 2003/0,187,919 A1).

See the teaching of #255 and Crane et al above.

For claim 12, #255 and Crane et al fail to teach an image saturation criterion. Nakamura et al teach an image saturation criterion (paragraph [0017], color saturation of frames). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Nakamura et al into the teaching of #255 and Crane et al to automatically generate a suitable digest of the content which cat attract the interest of many viewers (Nakamura et al, paragraph [0006]).

For claim 14, Nakamura et al teach an image contrast criterion (paragraph [0017], brightness between frames).

8. Claims 5, 6, 8, 9, 18, 25 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 22 of copending Application No. 10/448, 255 (#255), filed on 10/22/2007 and Crane et al (US 6,201,924 B1) as applied to claims 1-4, 10, 17 above and further in view of Shimazaki et al (US 6,160,950).

See the teaching of #255 and Crane et al above.

For claims 5, 6, and 8, Crane et al and #255 fail to teach the duration of the summary. Shimazaki et al teach, in figures 2 and 4, column 5, lines 35-42, column 6, lines 54-60, a user can change the reference speech level to vary the duration of selected video digest (or video summary). For example, user can choose a reference level R3 in figure 4 to select the clip from time T5 to T6. Therefore, user can choose any duration which including 75% or 50% or the original unsummarized video. It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Shimazaki et al into the teaching of #255 and Crane et al to easily extract and record digests display portions of a program (Shimazaki et al, column2, lines 19-23).

For claim 9, Shimazaki et al teach selecting all candidate clips that meet a specified criterion or criteria (e.g. column 6, line 61- column 7, line 3, display the digest display portion or shot).

For claim 25, Shimazaki et al teach modifying the result of the evaluation in accordance with an input provided by a viewer of the visual rcording regarding the desirability of a part of the visual recording, wherein the step of selecting is based on the modified result of the evaluation (e.g. user changes the reference speech level to change the duration of the digest display).

For claim 18, Shimazaki et al teach an audio content criterion (e.g. figures 2 and 4, column 5, lines 35-42, column 6, lines 54-60).

9. Claim 23 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 22 of copending Application No. 10/448, 255 (#255), filed on 10/22/2007 and Crane et al (US 6,201,924 B1) as applied to claims 1-4, 10, 17 above and further in view of Nishi et al (US 6,681,395 B1).

See the teaching of #255 and Crane et al above.

For claim 23, Crane et al fail to teach specifying the manner of display of the selected clips in accordance with a format template. Nishi et al teach specifying the manner of display of the selected clips in accordance with a format template (e.g. column 15, lines 28-31). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Nishi et al into the teaching of #255 and Crane et al to attract an attention of a viewer (Nishi et al, column 15, lines 28-31).

10. Claim 24 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 22 of copending Application No. 10/448, 255 (#255), filed on 10/22/2007, Crane et al (US 6,201,924 B1) and Nishi et al (US 6,681,395 B1) as applied to claims 1-4, 10, 17 above and further in view of Shimazaki et al (US 6,160,950).

For claim 24, #255, Crane et al and Nishi et al fail to teach modifying the result of the evaluation in accordance with an input provided by a viewer of the visual rcording regarding the desirability of a part of the visual recording, wherein the step of selecting is based on the modified result of the evaluation. Shimazaki et al teach modifying the

result of the evaluation in accordance with an input provided by a viewer of the visual rcording regarding the desirability of a part of the visual recording, wherein the step of selecting is based on the modified result of the evaluation (e.g. user changes the reference speech level to change the duration of the digest display, figures 2 and 4, column 5, lines 35-42, column 6, lines 54-60). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Shimazaki et al into the teaching of #255, Crane et al and Nishi et al to easily extract and record digests display portions of a program (Shimazaki et al, column2, lines 19-23).

11. Claim 15 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 22 of copending Application No. 10/448, 255 (#255), filed on 10/22/2007 and Crane et al (US 6,201,924 B1) as applied to claims 1-4, 10, 17 above and further in view of Dimitrova et al (US 6,100,941).

see the teaching of #255 and Crane et al above.

For claim 15, #255 and Crane et al fail to teach a garbage content criterion. Dimitrova et al teach a garbage content criterion (e.g. column 5, lines 47-66 and figures 2 and 5, black frame). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Dimitrova et al into the teaching of #255 and Crane et al to easily extract and record digests display portions of a program.

12. Claim 26 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 22 of copending Application No. 10/448, 255 (#255), filed on 10/22/2007 and Crane et al (US 6,201,924 B1) as applied to claims 1-4, 10, 17 above and further in view of Official Notice.

For claim 26, #255 and Crane et al fail to specify a DVD recorder. The examiner takes official notice on a DVD recorder since it is well known in the art. It would have been obvious to one ordinary skill in the art at the time the invention was made to implement the method of claim 1 on a DVD recorder to increase the data storage capacity.

13. This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-4, 10, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Crane et al (US 6,201,924 B1).

Regarding claim 1, Crane et al teach a method for editing a visual recording stored on a data storage medium (e.g. column 2, lines 23-57, editing is done on the disk), comprising the steps of:

evaluating data regarding the content of the visual recording and/or data regarding the manner in which the visual recording was obtained (e.g. e.g. column 10, lines 56-67, and column 11, lines 9-18, Mini manager 112 keeps track of which of the synthesized clips are in use at a given time and delete them when appropriate corresponds to "evaluating data"; and clips from the original source tape and synthesized corresponds to "data regarding the manner in which the visual recording was obtained");

selecting one or more clips of the visual recording to be included in a summary of the visual recording, based on the evaluation, wherein the selected clips of the visual recording comprise less than all of the visual recording, and wherein the step of selecting and/or the step of evaluating are performed, at least in part, automatically (e.g. column 10, lines 56-67, and column 11, lines 9-18, Crane et al teach "edit decision list", in column 4, lines 45-48, is a event video indicated by the begin and end time codes and the edit decision list is considered by the examiner as a visual recording summary); and

discarding parts of the visual recording not included in the visual recording summary so that the discarded parts of the visual recording are no longer stored on a data storage medium (e.g. e.g. column 10, lines 56-67, and column 11, lines 9-18, the synthesized clips which are not in used by the new edit list are deleted).

Regarding claim 10, Crane et al teach identifying a plurality of candidate clips in the visual recording; and evaluating each of the candidate clips regarding the content of the clip and/or the manner in which the clip was obtained (e.g. column 11, lines 9-17, file identifier).

Regarding claim 2, Crane et al teach storing the visual recording summary on a data storage medium (e.g. column 2, lines 31-36, column 3, lines 16-23, the beginning and end of each scene are stored in the disk from the tape by executing an edit list).

Regarding claim 3, Crane et al teach the data storage medium is a portable data storage medium (e.g. the system of Crane including the tape and disk can be transported from one location to another location).

Regarding claim 4, Crane et al teach specifying the duration of the visual recording summary (e.g. column11, lines 9-14, duration of clip).

Regarding claim 17, Crane et al teach the evaluation of each candidate clip is based on a front-loading criterion (e.g. column 2, lines 35-36, beginning of each scene).

16. Claims 11, 16 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Crane et al (US 6,201,924B1) as applied to claims 1-4, 10, 17 above, and further in view of Dimitrova et al (US 2004/0,085,340 A1).

See the teaching of Crane et al above.

Regarding claim 11, crane et al fail to teach an image stability criterion. Dimitrova et al teach an image stability criterion (e.g. paragraph [0016). It would have been obvious to one ordinary skill in the art at the time the invention was made to have

incorporate the teaching of Dimitrova et al into the teaching of Crane et al for increase the quality of the video for helping user to edit the source video (Dimitrova et al, paragraph [0005]).

For claim 16, Dimitrova et al teach a snapshot criterion (e.g. paragraph [0005]).

For claim 19, Dimitrova et al teach a camera hints criterion (e.g. paragraph [0016], dolly, h-tracking, and v-tracking).

17. Claims 13, 18, 20, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crane et al (US 6,201,924 B1) as applied to claims 1-4, 10, 17 above, and further in view of Cabasson et al (US 6,956,904 B2).

See the teaching of Crane et al above.

For claim 13, Crane et al fail to teach an edge sharpness criterion. Cabasson et al teach an edge sharpness criterion (e.g. column 2, lines 17-33, raising edge or falling edge). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Cabasson et al into the teaching of Crane et al to improve the accuracy of video summary (Cabasson et al, column 2, lines 32-33).

For claim 18, Cabasson et al teach the audio content criterion (e.g. column 2, lines 17-33, audio level).

For claim 21, Cabasson et al teach multiple criteria (e.g. column 2, lines 17-33, audio feature and motion activity).

For claims 20 and 22, Cabasson et al teach computing a score for each candidate clip based on the evaluation of the clip (e.g. column 4, line 64- column 5, line 14, base on the motion activity, the short can be two level, zero and one, which corresponds to the "Score").

18. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crane et al (US 6,201,924 B1) as applied to claims 1-4, 10, 17 above, and further in view of Hua et al (US 7,127,120 B2).

See the teaching of Crane et al above.

For claim 7, Crane et al fail to choosing a music selection or selections to accompany the visual recording summary, wherein the duration of the visual recording summary is established in accordance with the duration of the music selection or selections. Hua et al teach choosing a music selection or selections to accompany the visual recording summary, wherein the duration of the visual recording summary is established in accordance with the duration of the music selection or selections (e.g. column 3, lines 6-10 and column 15, lines 31-34). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Hua et al into the teaching of Crane et al to improve the quality of the video summary (Hua et al, column 2, lines 56-67).

19. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crane et al (US 6,201,924 B1) as applied to claims 1-4, 10, 17 above, and further in view of Nakamura et al (US 2003/0,187,919 A1).

See the teaching of Crane et al above.

For claim 12, Crane et al fail to teach an image saturation criterion. Nakamura et al teach an image saturation criterion (paragraph [0017], color saturation of frames). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Nakamura et al into the teaching of Crane et al to automatically generate a suitable digest of the content which cat attract the interest of many viewers (Nakamura et al, paragraph [0006]).

For claim 14, Nakamura et al teach an image contrast criterion (paragraph [0017], brightness between frames).

20. Claims 5, 6, 8, 9, 18, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crane et al (US 6,201,924 B1) as applied to claims 1-4, 10, 17 above, and further in view of Shimazaki et al (US 6,160,950).

See the teaching of Crane et al above.

For claims 5, 6, and 8, Crane et al fail to teach the duration of the summary. Shimazaki et al teach, in figures 2 and 4, column 5, lines 35-42, column 6, lines 54-60, a user can change the reference speech level to vary the duration of selected video digest (or video summary). For example, user can choose a reference level R3 in figure 4 to select the clip from time T5 to T6. Therefore, user can choose any duration which

including 75% or 50% or the original unsummarized video. It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Shimazaki et al into the teaching of Crane et al to easily extract and record digests display portions of a program (Shimazaki et al, column2, lines 19-23).

For claim 9, Shimazaki et al teach selecting all candidate clips that meet a specified criterion or criteria (e.g. column 6, line 61- column 7, line 3, display the digest display portion or shot).

For claim 25, Shimazaki et al teach modifying the result of the evaluation in accordance with an input provided by a viewer of the visual rcording regarding the desirability of a part of the visual recording, wherein the step of selecting is based on the modified result of the evaluation (e.g. user changes the reference speech level to change the duration of the digest display).

For claim 18, Shimazaki et al teach an audio content criterion (e.g. figures 2 and 4, column 5, lines 35-42, column 6, lines 54-60).

21. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crane et al (US 6,201,924 B1), as applied to claims 1-4, 10, 17 above, and further in view of Nishi et al (US 6,681,395 B1).

See the teaching of Crane et al above.

For claim 23, Crane et al fail to teach specifying the manner of display of the selected clips in accordance with a format template. Nishi et al teach specifying the manner of display of the selected clips in accordance with a format template (e.g.

column 15, lines 28-31). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Nishi et al into the teaching of Crane et al to attract an attention of a viewer (Nishi et al, column 15, lines 28-31).

22. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crane et al (US 6,201,924 B1) and Nishi et al (US 6,681,395 B1) as applied to claims 1-4, 10, 17 and 23 above, and further in view of Shimazaki et al (US 6,160,950).

For claim 24, Crane et al and Nishi et al fail to teach modifying the result of the evaluation in accordance with an input provided by a viewer of the visual rcording regarding the desirability of a part of the visual recording, wherein the step of selecting is based on the modified result of the evaluation. Shimazaki et al teach modifying the result of the evaluation in accordance with an input provided by a viewer of the visual rcording regarding the desirability of a part of the visual recording, wherein the step of selecting is based on the modified result of the evaluation (e.g. user changes the reference speech level to change the duration of the digest display, figures 2 and 4, column 5, lines 35-42, column 6, lines 54-60). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Shimazaki et al into the teaching of Crane et al and Nishi et al to easily extract and record digests display portions of a program (Shimazaki et al, column2, lines 19-23).

23. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crane et al (US 6,201,924 B1), as applied to claims 1-4, 10, 17 above, and further in view of Dimitrova et al (US 6,100,941).

see the teaching of Crane et al above.

For claim 15, Crane et al fail to teach a garbage content criterion. Dimitrova et al teach a garbage content criterion (e.g. column 5, lines 47-66 and figures 2 and 5, black frame). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Dimitrova et al into the teaching of Crane et al to easily extract and record digests display portions of a program.

24. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crane et al (US 6,201,924 B1), as applied to claims 1-4, 10, 17 above, and further in view of Official Notice.

For claim 26, Crane et al fail to specify a DVD recorder. The examiner takes official notice on a DVD recorder since it is well known in the art. It would have been obvious to one ordinary skill in the art at the time the invention was made to implement the method of claim 1 on a DVD recorder to increase the data storage capacity.

Conclusion

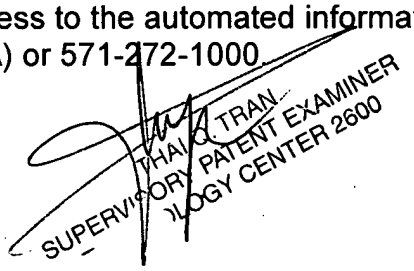
25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakamura et al (US 2002/0197053 A1); Kim (US 7,181,757 B1); Li (US 2003/0081937A1); Kim (US 5,737,476); Li et al (US 7,035,435 B2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daquan Zhao



Tran Thai Q
Supervisory Patent Examiner